

# SENATE RECORD VOTE ANALYSIS

104th Congress  
1st Session

Vote No. 555

October 27, 1995, 11:32 p.m.  
Page S-16051 Temp. Record

## BALANCED BUDGET RECONCILIATION/Welfare Reform

**SUBJECT:** **Balanced Budget Reconciliation Act of 1995 . . . S. 1357. Domenici motion to waive the Budget Act for the consideration of subtitle B, section 2174, subtitle C, sections 403(a)(3), 403(b)(2), 405(b)(1), 406(b), 406(c), 406(f), 418, 7202, and 7207, subtitle D, chapter 5, section 7291, and chapter 6, section 7295, subtitle G, chapter 1, sections 7412 and 7445, and subtitle J, section 7481.**

### ACTION: MOTION REJECTED, 53-46

**SYNOPSIS:** As reported, S. 1357, the Balanced Budget Reconciliation Act of 1995, will result in a balanced budget in seven years, as scored by the Congressional Budget Office (CBO). The bill will also provide a \$245 billion middle-class tax cut, \$141.4 billion of which will be to provide a \$500 per child tax credit.

Following the expiration of all debate time, Senator Exon raised a 313(b)(1)(A) (Byrd Rule) Budget Act point of order against 49 items in the bill. Material is considered extraneous if it: does not change outlays or revenues; increases the deficit if the committee has failed to meet its instruction; is a provision from a committee which has no jurisdiction over the provision; produces changes in outlays or revenues which are incidental to the non-budgetary components of the provision; wipes out outlay reductions or revenue increases in the year following the envelope of the reconciliation bill; or affects Social Security. Senator Domenici then moved to waive the Budget Act for the consideration of 15 of those items. Those items were all on the subject of welfare reform as passed by the Senate (see vote No. 443), as follows:

- nothing in the welfare provisions in this bill will be construed as creating an individual entitlement;
- additional Family Assistance Block Grant funds (family assistance grants will replace the Aid to Families with Dependent Children (AFDC) program) will be given to States with higher than average growth and lower than average welfare spending;
- States will be allowed to apply to immigrants from other States, for 12 months, the welfare rules that applied in the States which they left;
- an individual lifetime limit of 5 years will apply to assistance from family assistance grants;
- States will have the option of denying family assistance for out-of-wedlock births to minors;

(See other side)

YEAS (53)		NAYS (46)		NOT VOTING (0)	
Republicans (53 or 100%)	Democrats (0 or 0%)	Republicans (0 or 0%)	Democrats (46 or 100%)	Republicans (0)	Democrats (0)
Abraham	Helms	Akaka	Inouye		
Ashcroft	Hutchison	Baucus	Johnston		
Bennett	Inhofe	Biden	Kennedy		
Bond	Jeffords	Bingaman	Kerrey		
Brown	Kassebaum	Boxer	Kerry		
Burns	Kempthorne	Bradley	Kohl		
Campbell	Kyl	Breaux	Lautenberg		
Chafee	Lott	Bryan	Leahy		
Coats	Lugar	Bumpers	Levin		
Cochran	Mack	Byrd	Lieberman		
Cohen	McCain	Conrad	Mikulski		
Coverdell	McConnell	Daschle	Moseley-Braun		
Craig	Murkowski	Dodd	Moynihan		
D'Amato	Nickles	Dorgan	Murray		
DeWine	Pressler	Exon	Nunn		
Dole	Roth	Feingold	Pell		
Domenici	Santorum	Feinstein	Pryor		
Faircloth	Shelby	Ford	Reid		
Frist	Simpson	Glenn	Robb		
Gorton	Smith	Graham	Rockefeller		
Gramm	Snowe	Harkin	Sarbanes		
Grams	Specter	Heflin	Simon		
Grassley	Stevens	Hollings	Wellstone		
Gregg	Thomas				
Hatch	Thompson				
Hatfield	Thurmond				
	Warner				

#### EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

#### SYMBOLS:

- AY—Announced Yea  
AN—Announced Nay  
PY—Paired Yea  
PN—Paired Nay

- States will have the option of denying additional family assistance for children born to families already on welfare;
- grants will be given to reward States that reduce their out-of-wedlock birthrates without increasing their abortion rates;
- incentive grants will be provided to States for moving people off of welfare and into private sector employment;
- States will have the option of providing family assistance through charitable, religious, or private organizations;
- any organization that uses Federal funds to promote a public policy position will have to disclose that use;
- maintenance-of-effort requirements applicable to optional State programs for Supplemental Security Income (SSI) will be repealed;

- SSI benefits will be tied to the Social Security retirement age;
- the Federal welfare bureaucracy will be reduced by 70 percent;
- a new abstinence education program will be started;
- and it is the sense of the Senate that corrections should be made in the calculation of the Consumer Price Index so as to make estimates of changes in the cost of living more accurate.

NOTE: A three-fifths majority vote of the Senate is required to waive the Budget Act. Following the failure of the motion to waive, 46 of the 49 items were ruled out of order (including the above-listed 15) and thus were stricken from the bill. Other items that were stricken include the following:

- a provision to create Medical Savings Accounts as an option under Medicare;
- a provision to create a Budget Expenditure Limit Tool to make Medicare reach its spending limit targets;
- a provision to bar Medicaid payments for "assisted suicides;"
- a provision to exempt Alaska from diesel fuel dyeing requirements; and
- the Medicare Consumer Protection Act.

**Those favoring** the motion to waive contended:

Last month the Senate voted to pass a comprehensive welfare reform bill that passed by an 87-11 margin. The key provisions of that bill have been attached to this bill. The welfare bill was intensely debated for two weeks. Senators are very familiar with its provisions. One would assume that when Senators voted in its favor they wanted it to be enacted into law. One would certainly not assume that Senators were hypocritically voting in favor of it while at the same time they hoped to prevent it from becoming law.

Therefore, it is puzzling that there is objection to attaching a bill that has such overwhelming Senate support to a must-pass legislative vehicle. Our colleagues tell us that their objection is based on process. They tell us that the Byrd rule was enacted precisely to stop major policy changes from being rushed through without the opportunity for extended debate. In response, the Byrd rule was never intended to be inviolable; the fact that it can be waived by a three-fifths majority (60) vote proves that it was only intended to be an impediment to enacting policy changes. Waiver authority exists precisely so that when the Senate feels strongly about a measure (as it apparently felt a little over a month ago when nearly 9 out of 10 Senators voted for a welfare reform bill after very extensive debate) it will not be blocked by process rules from attaching it to a reconciliation bill. Our colleagues are elevating process over substance in this one particular case only; on vote after vote on this reconciliation bill, they have been very willing to vote to waive the Budget Act for Democratic amendments which they favored, even though they clearly violated the Budget Act. Why then can they not waive the Budget Act to allow the attachment of the welfare bill, which they so recently voted to pass? We are mystified. For our part, we will be consistent with our earlier vote to pass the welfare reform bill by voting in favor of the motion to waive.

**Those opposing** the motion to waive contended:

Argument 1:

We voted for the welfare reform bill, and we do not regret our votes. However, we strenuously object to adding this type of major policy change to a bill whose sole purpose is to reduce the deficit. The Byrd rule was enacted to prevent precisely this type of abuse. We therefore strongly oppose the motion to waive.

Argument 2:

We are delighted that this motion to waive relates only to the welfare provisions that have been challenged under the Byrd rule. A few weeks ago the Senate made a profound mistake in voting for those provisions in the welfare reform bill. Senators may now redeem themselves by voting against the motion to waive.